

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PANAGIOTIS KASSERIS, *individually and on
behalf of all other similarly situated
employees,*

Plaintiff,

– against –

ZA & D SERVICE STATION INC., *et al.*,
Defendants.

MEMORANDUM & ORDER

23-cv-06281 (NCM) (RML)

NATASHA C. MERLE, United States District Judge:

This Court has received the Report and Recommendation on the instant case dated January 13, 2025, from the Honorable Robert M. Levy, United States Magistrate Judge. ECF No. 41. No objections have been filed.

The Court reviews “de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b); *see also* *Brissett v. Manhattan & Bronx Surface Transit Operating Auth.*, No. 09-cv-00874, 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011), *aff’d*, 472 F. App’x 73 (2d Cir. 2012) (summary order). Where no timely objections have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Finley v. Trans Union, Experian, Equifax*, No. 17-cv-0371, 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017) (quoting *Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)).

Having reviewed the record, I find that permitting amendment at this late juncture, after discovery has closed, would cause undue prejudice to defendants. *See Weaver v. Washington*, No. 14-cv-07097, 2018 WL 5253110, at *2 (E.D.N.Y. Oct. 22,

2018). Additionally, plaintiff fails to plead facts sufficient to support a plausible breach of contract claim, meriting denial of leave to amend. *See GFE Glob. Fin. & Eng'g Ltd. v. ECI Ltd. (USA), Inc.*, 291 F.R.D. 31, 34-35 (E.D.N.Y. 2013) (denying leave to amend where “plaintiff’s breach of contract claim is futile”). Having found no clear error, I therefore adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, plaintiff’s motion for leave to file a third amended complaint is denied.

SO ORDERED.

/s/ Natasha C. Merle
NATASHA C. MERLE
United States District Judge

Dated: January 31, 2025
Brooklyn, New York